

REMARKS

The Examiner has rejected Claims 1-3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The amendments as stated hereinabove are deemed to overcome this rejection.

The Examiner has rejected Claims 1-3 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amendments as stated hereinabove are deemed to overcome this rejection.

The Examiner has rejected Claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Ewald *et al.* Applicant respectfully traverses Examiner's rejection and requests reconsideration for the following reasons.

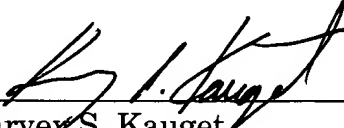
The Examiner has indicated that the Applicant's arguments filed November 21, 2003, as to Ewald et al. were not persuasive since the claim language is open, *i.e.*, "comprising". In response thereto, Applicant has amended Claims 1-3 with claim language of "consisting essentially of" to replace "comprising".

Ewald et al. did not present keratin derived material as useful in the transfusion art. Moreover, Ewald et al. taught that keratin material was not useful as a plasma expander.

It is therefore respectfully urged that a *prima facie* showing of anticipation or obviousness has not been made.

All grounds of objection and rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested.

Respectfully submitted,

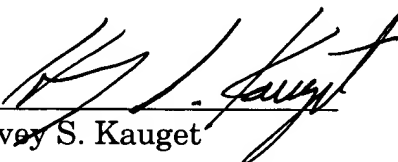


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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via U.S. First Class Mail, postage prepaid to: U.S. Patent and Trademark Office, 2011 South Clark Place, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202 this the 28th day of January, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.



Harvey S. Kauget